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10 *Attorneys for Defendant*

11 In re VNGR BEVERAGE, LLC LITIGATION

12 Case No. 4:24-cv-03229-HSG

13 Hon. Haywood S. Gilliam, Jr.

14 **JOINT STIPULATION FOR LEAVE
15 TO FILE THIRD AMENDED
16 CONSOLIDATED COMPLAINT AND
17 EXTENSION OF DEADLINE TO
18 MOVE FOR PRELIMINARY
19 APPROVAL OF CLASS ACTION
20 SETTLEMENT AND [PROPOSED]
21 ORDER**

22 This Document Relates to:

23 Case No. 4:24-cv-03612-HSG
24 Case No. 4:24-cv-06666-HSG

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Kristin Cobbs, Carol Lesh, Sarah Coleman,
 2 and Megan Wheeler (“Plaintiffs”) and Defendant VNGR Beverage, LLC d/b/a Poppi
 3 (“Defendant” or “Poppi,” and together with “Plaintiffs,” the “Parties), hereby jointly stipulate
 4 and agree as follows:

5 WHEREAS, the above consolidated action, *In re VNGR Beverage, LLC Litigation*, Case
 6 No. 4:24-cv-03229-HSG (ECF No. 1, the “Consolidated Action”) is presently pending before the
 7 Court;

8 WHEREAS, on August 20, 2024, Plaintiffs filed a Second Amended Consolidated
 9 Complaint (“SAC”) (ECF No. 35);

10 WHEREAS, on September 23, 2024, Poppi filed its Motion to Dismiss the SAC, which
 11 was initially scheduled for a hearing before this Court on December 5, 2024 at 2:00 p.m. (ECF
 12 No. 37);

13 WHEREAS, on October 21, 2024, the Court granted the Parties’ Joint Stipulation to
 14 Continue the Motion to Dismiss Hearing to December 19, 2024. (ECF No. 42);

15 WHEREAS, on December 4, 2024, the Parties attended a private mediation with the
 16 Honorable Judge Jay C. Gandhi (Ret.) and subsequently have continued to negotiate resolution
 17 of the Consolidated Action;

18 WHEREAS, on December 6, 2024, the Court vacated the December 19, 2024 hearing
 19 (ECF No. 47);

20 WHEREAS, on December 16, 2024, the Court granted the Parties’ joint stipulation to
 21 stay the Consolidated Action for sixty (60) calendar days until February 14, 2025, to provide the
 22 Parties with time to finalize and execute a formal class settlement agreement (ECF Nos. 48–49);

23 WHEREAS, on February 13, 2025, the Parties filed a joint stipulation informing the
 24 Court that the Parties were finalizing the terms of a formal class settlement and requested a
 25 continuance of the previously granted stay to March 10, 2025, which the Court granted (ECF
 26 Nos. 50-51);

27 WHEREAS, the Parties executed the Settlement Agreement on March 5, 2025 and have
 28 finalized the supporting exhibits.

1 WHEREAS, pursuant to the Settlement Agreement, the Parties have agreed that Plaintiffs
2 shall file a Third Amended Consolidated Complaint, in the form attached as Exhibit A to this
3 stipulation, adding a claim for breach of implied warranty; and

4 WHEREAS, pending the Court's approval of the Third Amended Complaint, the Parties
5 are drafting a Motion for Preliminary Approval of Class Action Settlement in accordance with
6 the final terms.

7
8 NOW WHEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE
9 PARTIES THAT, subject to the Court's approval, Plaintiffs' Third Amended Consolidated
10 Complaint shall become the operative pleading. Plaintiffs shall file a Motion for Approval of
11 Settlement seeking a preliminary order on March 14, 2025.

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1 Dated: March 5, 2025

Respectfully submitted,

2 **BURSOR & FISHER, P.A.**

3 By: /s/ L. Timothy Fisher

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8 Dated: March 5, 2025

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29 **L.R. 5-1 ATTESTATION**

30 I, L. Timothy Fisher, attest that all signatories listed herein, and on whose behalf this
31 filing is submitted, concur in this filing's content and have authorized this filing.

32
33 By: /s/ L. Timothy Fisher
34 L. Timothy Fisher

[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED. The Court, having considered the Parties' Joint Stipulation and finding good cause for the same, hereby orders that the Parties request for leave to allow Plaintiffs to file a Third Amended Consolidated Complaint is **GRANTED** and the Third Amended Complaint attached as Exhibit A to the Joint Stipulation is hereby the operative pleading in this action. Plaintiffs shall file a Motion for Preliminary Approval of Class Action Settlement by March 14, 2025.

IT IS SO ORDERED.

Dated:

Hon. Haywood S. Gilliam, Jr.
United States District Judge